

## Federal Property Management Regulations

## § 101-41.501

of completion of service subject to limitations prescribed by the Administrator of General Services or his designee: *Provided*, the carrier or forwarder has issued the usual ticket, receipt, bill of lading, or equivalent document covering the service involved. The joint standards also place responsibility upon each agency that adopts procedures for the payment of charges for transportation services prior to Government confirmation of the satisfactory completion of such services to ensure that advance payments are not made to:

(a) An assignee bank or financial institution under the authority of 31 U.S.C. 3727 and 41 U.S.C. 15;

(b) Payees who are in bankruptcy proceedings or are subject to the control of a receiver, trustee, or other similar representative;

(c) Payees who consistently fail to refund overcharges without assertion of substantial defense or other valid reasons when notified by GSA or any other interested Government agency;

(d) Payees who without good cause fail to make timely disposition or settlement of loss or damage or other claims asserted by agencies of the United States;

(e) Payees owing substantial sums of money to the United States for which no adequate arrangements for settlement have been made;

(f) Payees in such bad financial condition as to justify a determination that the Government's best interests require consideration of special payment rules for their account;

(g) Payees who do business with the United States infrequently and who previously have not been administratively approved for payment upon presentation of bills; or

(h) Any other person or business organization determined administratively for valid reasons to be ineligible for payment, unless, after review of the facts and in the absence of objection by the U.S. General Accounting Office, it is determined administratively that the best interests of the United States

will not be jeopardized by such payment.

(31 U.S.C. 952, 31 U.S.C. 3726; 40 U.S.C. 486(c))

[42 FR 36672, July 15, 1977, as amended at 46 FR 42666, Aug. 24, 1981; 48 FR 27725, June 17, 1983]

### **§ 101-41.402-2 Limitations on advance payment of charges for transportation services.**

The payment of charges in advance of completion of service is authorized for:

(a) Passenger transportation services procured through the use of cash as set forth in § 101-41.203-2; and

(b) Freight transportation services procured through the use of commercial forms and procedures as set forth in § 101-41-304-2.

(31 U.S.C. 3726, 31 U.S.C. 1801, and 40 U.S.C. 486(c))

[42 FR 36672, July 15, 1977, as amended at 48 FR 35650, Aug. 5, 1983]

## **Subpart 101-41.5—Claims by the United States Relating to Transportation Services**

### **§ 101-41.500 Scope and applicability of subpart.**

This subpart sets forth procedures applicable to the assertion of claims by the United States that arise out of freight and passenger transportation services furnished for the account of the United States, the consideration and disposition of protests thereto, the collection of claims by administrative offset and by other means, the imposition of interest, penalties, and the disposition of amounts collected.

[50 FR 49847, Dec. 5, 1985]

### **§ 101-41.501 Definitions.**

(a) The term *overcharges* as used herein means charges for transportation services in excess of those applicable thereto under tariffs lawfully on file with Federal or State transportation regulatory agencies, and charges in excess of those applicable thereto under rates, fares, and charges established pursuant to section 10721 of the Revised Interstate Commerce Act, as amended (49 U.S.C. 10721), or other equivalent